

JOHN R. PETROWSKI (JP4121)
BRODY, O'CONNOR & O'CONNOR, ESQS.
Attorneys for Defendant
7 Bayview Avenue
Northport, New York 11768
(631) 261-7778

WM 22-185 JP
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CRISTIAN NUNEZ,

Docket No.:

Plaintiff,

-against-

NOTICE OF REMOVAL

WAL-MART STORES EAST, LP and
WAL-MART STORES, INC.,

Defendants.

-----X

**TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK:**

Defendant, WAL-MART STORES EAST, LP i/s/h/a "WAL-MART STORES EAST, LP AND WAL-MART STORES, INC.", for the removal of this action from the Supreme Court of the State of New York, County of NEW YORK, to the United States District Court for the SOUTHERN District of New York, respectfully shows this Honorable Court as follows:

1. Defendant, Wal-Mart Stores East, LP, is a defendant in a civil action brought against it in the Supreme Court of the State of New York, County of NEW YORK, that is captioned as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
CRISTIAN NUNEZ,

Index No.: 151030/2022

Plaintiff,

-against-

WAL-MART STORES EAST, LP and
WAL-MART STORES, INC.,

Defendants.

-----X

Copies of the Summons, the Complaint, and Wal-Mart Stores East, LP's Answer are annexed hereto as Exhibit "A".

2. This action seeks recovery for damages sustained as a result of personal injuries allegedly suffered by plaintiff while on defendant's premises.

3. The grounds for removal are that this Court has original jurisdiction pursuant to 28 U.S.C.A. 1332(a)(1). The amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between citizens of different States. Annexed hereto as Exhibit "B" is defendant's Combined Discovery Demands. Annexed hereto as Exhibit "C" is plaintiff's email demanding \$750,000.00 to settle this matter, received by this defendant on October 21, 2022.

4. Defendant, Wal-Mart Stores East, LP, is a Delaware limited partnership. WSE Investment, LLC is the sole limited partner and WSE Management, LLC is the sole general partner of Wal-Mart Stores East, LP. Both WSE Investment, LLC and WSE Management, LLC are Delaware limited liability companies, and the sole member of both WSE Investment, LLC and WSE Management, LLC is Wal-Mart Stores East, LLC. Wal-Mart Stores East, LLC is an Arkansas limited liability company, and its sole member is Walmart Inc.

Walmart Inc. is a Delaware corporation with its principal place of business in Arkansas. Thus, for diversity purposes, the defendant is a citizen of the states of Delaware and Arkansas. See Carden v. Arkoma Assocs., 494 U.S. 185, 195-96 (1990) (stating that, for purposes of diversity jurisdiction, a limited partnership has the citizenship of each of its general and limited partners); Handelsman v. Bedford Village Assocs. Ltd. Pshp., 213 F.3d 48 (2d Cir. 2000) (citing Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir.1998)) (stating that, for purposes of diversity jurisdiction, a limited liability company has the citizenship of its members).

5. Upon information and belief, plaintiff is a citizen of the State of New York, County of NEW YORK.

6. Because this action is between citizens of different states and seeks damages in excess of \$75,000.00, pursuant to 28 U.S.C.A. 1332 and 28 U.S.C.A. 1441 and 1446, the case should be removed from the Supreme Court of the State of New York, County of NEW YORK, to the United States District Court for the SOUTHERN District of New York.

Dated: Northport, New York
October 26, 2022

Yours, etc.

BRODY, O'CONNOR & O'CONNOR, ESQS.
Attorneys for Defendant

By: s/
JOHN R. PETROWSKI (JP 4121)
7 Bayview Avenue
Northport, New York 11768
(631) 261-7778
File No.: WM 22-185 JP

TO: HARMON, LINDER & ROGOWSKY
Attorneys for Plaintiff
3 Park Avenue, Suite 2300
New York, New York 10016
(212) 732-3665